

Paper 1

Mail Stop Interference
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Filed 9 February 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MIRNA RAPP
Junior Party
(Application 09/869,031),

v.

ARMIN PRASCH
and
Bernhard Luy
Senior Party
(Patent 6,596,318).

Patent Interference No. 105,541
(Technology Center 1600)

DECLARATION - Bd.R. 203(b)¹

Part A. Declaration of interference

An interference is declared (35 U.S.C. §135(a)) between the above-identified parties. Details of the application, patent, counts, and claims designated as corresponding or as not corresponding to the counts appear in Parts E and F of this DECLARATION.

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

Part B. Judge managing the interference

Administrative Patent Judge James T. Moore has been designated to manage the interference. Bd. R. 104(a).

Part C. Standing order

A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION. The STANDING ORDER applies to this interference.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for **1:00 p.m. on April 5, 2007** (the Board will initiate the call).

No later than **12 NOON April 2, 2007**, each party shall file with the Board and no later than **5:00 PM April 2, 2007** each party shall serve on each other (SO 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO 104.2.1, 120 & 204) the party intends to file. The motions list must be sufficiently detailed such that the precise nature of the relief sought is clear to the APJ and opposing counsel. For example, specific references must be identified and how they would be applied against specific claims for patentability motions. An insufficiently described motion may not be permitted.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Named inventors: Mirna Rapp, Marburg, GERMANY
Involved Application: 09/869,031
Title: FIBRIN-BASED GLUE GRANULATE AND CORRESPONDING PRODUCTION METHOD
Assignee: ZLB BEHRING GMBH
P.O. BOX 1230
D-35002 MARBURG, GERMANY

Senior Party

Named Inventors: Armin Prasch, Freiburg, GERMANY
Bernhard Luy, Freiburg, GERMANY
Involved Patent: 6,596,318
Title: FIBRIN TISSUE ADHESIVE FORMULATION AND PROCESS FOR ITS PREPARATION
Assignee: GLATT PROCESS TECHNOLOGY GMBH
BUHLMUHLE
D-79589 BINZEN GERMANY

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO 154.2.1. The senior party is responsible for initiating settlement discussions. SO 126.1.

Part F. Count and claims of the parties

Count 1

Claim 1 of 6,596,318 or claim 25 of 09/869,031.

The claims of the parties are:

Rapp: Claims 25-28, 37, 43-49, 52-57, 59-65, 67-73

Prasch: Claims 1-19

The claims of the parties which correspond to Count 1 are:

Rapp: Claims 25-28, 37, 52, 54, 55, 56, 57

Prasch: Claims 1-15

The parties are accorded the following benefit for Count 1:

Rapp: 09/869,031 October 16, 2001

Prasch: 09/845, 682 April 26, 2001

Count 2

The claims of the parties which correspond to Count 2 are:

Rapp: Claims 43-49, 53, 59-65, 67-73

Prasch: Claims 16-19

The parties are accorded the following benefit for Count 1:

Rapp: 09/869,031 October 16, 2001

Prasch: 09/845, 682 April 26, 2001

The claims of the parties which do not correspond to Count 1 or Count 2, and therefore are not involved in the interference, are:

None.

Part G. Heading to be used on papers

The following heading must be used on all papers filed in this interference, see SO 106.1.1:

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BEFORE THE BOARD OF PATENT APPEALS
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MIRNA RAPP
Junior Party
(Application 09/869,031),

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and
Bernhard Luy
Senior Party
(Patent 6,596,318)

Patent Interference No. 105,541 (JTM)²

Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

/James T. Moore/
Administrative Patent Judge

² Utilizing the APJ's initials in the subject line of any document referencing this interference will greatly expedite processing of the document.

Enc:

Copy of STANDING ORDER (PAPER 2)
Copy U.S. Patent 6,596,318
Copy of claims of 09/869,031

Revised 3 January 2006

cc (via overnight delivery):

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